

CUSTOMER NO.: 24498
Serial No.: 10/550,262
Date of Office Action: 07/25/08
Response dated: 10/24/08

PATENT
PD030034

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Remarks/Arguments

In the Non-Final Office Action dated July 25, 2008, it is noted that claims 1, 3, 5, 6, 8-12 and 14-20 are pending, and that claims 1, 3, 5, 6, 8-12 and 14-20 stand rejected under 35 U.S.C. §103.

By this response, claims 1, 8, 10 and 14 have been amended to clarify aspects of the present invention, claims 9 and 16 have been cancelled without prejudice, new claims 21-25 have been added, and claims 3, 5-6, 11-12, 15, and 17-20 have been amended for clarity and/or to show antecedent basis. Claims 2, 4, 7 and 13 had been cancelled in prior responses. No new matter has been added.

Amendment to the Claims

Claim 1 has been amended for clarification and re-phrased to include method steps. Further, it has been clarified that a value is read from the storage medium that represents a relative rate for animating picture sequences, and that this rate is relative with respect to the video frame rate that is employed to present the video data to which the menu refers. Further, it has been clarified that the link between video data, video frame rate and the rate for animating sequences is clear, and that it has been sufficiently clarified that the sequence animation rate is based on a relative value rather than an absolute value.

Claims 2, 5-6, 8, and 17-18 have been amended to change the terms "method" to "the method" in order to show antecedent support.

Claim 10 has been amended to clarify that the apparatus of claim 10 is adapted for executing the method steps of claim 1.

Claims 11-12, and 14-15 have been amended to change the terms "according to" to "as claimed in" for clarity and to show antecedent support.

Claims 19-20 have been amended to change the terms "storage medium" to "apparatus" in order to show antecedent support with the apparatus of claim 10.

Claim 21 has been added to clarify that the relative rate for animating sequences is set according to the retrieved relative value.

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Claim 22 has been added to further specify the numerical value of the animation frame rate.

Claims 23-24 have been added as dependent from claim 10 and correspond to claims 21 and 22.

Claim 25 has been added and covers a storage medium dependent on the apparatus of claim 10, with support found in previously presented claim 9, now canceled.

The amendments to the claims are believed to be proper and justified. All the pending claims are believed to be supported by the original application. No new matter has been added to the claims.

Cited Art

The following references have been cited and applied as prior art in the present Office Action: "*Flash 5 in an Instant*", by Michael Toot et al., pages 166-181 (Wiley 2001) (hereinafter referenced as "Toot") and "*Flash 5! Creative Web Animation*", by Derek Franklin, Chap. 5 (three (3) pages) and Chap. 10, Level 1, Section 2 (eight (8) pages) (hereinafter referenced as "Franklin").

Rejection of Claims 1, 3, 5, 6, 8-12 and 14-20 under 35 U.S.C. §103

Claims 1, 3, 5, 6, 8-12 and 14-20 stand rejected under 35 U.S.C. §103 as being unpatentable over Toot in view of Franklin. As noted above, claims 9 and 16 have been cancelled without prejudice. This rejection is respectfully traversed.

Claim 1 is an independent claim that serves as a base claim for claims 2, 5, 6, 8, 17-18 and 21-22. Claim 10 is based in part on claim 1 and serves as a base claim for claims 11, 12, 14-15, 19-20 and 23-25. Claim 1 calls, in part, for, "retrieving from said storage medium a value representing a relative rate for animating a sequence of pictures, wherein the rate is relative with respect to the video frame rate; and ... wherein the image data representing a particular menu button state includes a sequence of pictures the sequence of pictures being animated according to said relative rate."

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Applicants respectfully submit that neither Toot nor Franklin, individually or in combination, teaches or discloses the sequence of pictures being animated relative to a video frame rate.

Franklin discloses setting an absolute frame rate, which is 12 frames per second (fps), 20 fps or 24 fps, and discusses possible variations (*See Franklin at page 4 of 8 with respect to "Frame rate" and "Choosing the Proper Frame Rate"*) of the frame rate setting and the effect that improper frame rate setting will have on the actually rendered frame rate. Regardless, as argued previously, the frame rate setting is an absolute value selected by the operator.

In Toot, it becomes clear that in the case of improper setting of the frame rate, the movie (that is: the sequence of pictures) may finally be animated or rendered at a lower rate than intended, due to processor-intensive animation (that is: processing overload), and that this case should be prevented. However, if the frame rate is improperly set, the animation frame rate is still not relative with respect to the video frame rate, as claimed. Thus, Toot fails to teach, show, or suggest that an animation rate for a picture sequence is defined relative to a video frame rate.

Thus, both Franklin and Toot fail to teach, show, or suggest each and every element defined in Applicants' claims 1 and 10. Since the rejected dependent claims include all the limitations discussed above in claim 1, it is also submitted that both Franklin and Toot fail to teach, show, or suggest each and every element defined in Applicants' claims 3, 5, 6, 8-12 and 14-25.

In light of the remarks above and the claim amendments submitted herewith, it is believed that the pending claims would not have been obvious to a person of ordinary skill in the art upon a reading of Toot and Franklin, either separately or in combination. Thus, it is submitted that claims 1, 3, 5, 6, 8-12 and 14-25 are allowable under 35 U.S.C. §103.

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Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Entry of this amendment, reconsideration, and allowance of all the claims are respectfully solicited.

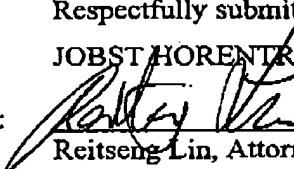
If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner contact the applicants' attorney at (609) 734-6828, so that a mutually convenient date and time for a telephonic interview may be scheduled for resolving such issues as expeditiously as possible.

It is believed that there is no fee due with regard to the filing of this amendment; however, if there is a fee, please charge the fee to Deposit Account No. 07-0832.

Respectfully submitted,

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